

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS DANIEL BURSHIA,

Defendant.

CR-17-29-GF-BMM

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on December 9, 2024. (Doc. 80.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on December 6, 2024. (Doc. 76.) The United States accused Nicholas Burshia (Burshia) of violating his conditions of supervised release by: (1) failing to reside at his approved since July 31, 2024; (2) failing to show for his outpatient sexual treatment session on August

6, 2024; (3) failing to submit to random urinalysis testing on August 6, 2024; and (4) failing to check in with his probation officer as instructed on August 6, 2024 and failing to report between August 6, 2024 until his arrest on December 3, 2024. (Doc. 73.)

At the revocation hearing, admitted Burshia admitted that he had violated the terms of his supervised release by: (1) failing to reside at his approved residence as of July 31, 2024; (2) failing to show for his outpatient sexual offender treatment session on August 6, 2024; (3) failing to submit to random urinalysis testing on August 6, 2024; and (4) failing to check in with his probation officer as instructed on August 6, 2024 and failing to report between August 6, 2024 until his arrest on December 3, 2024. (Doc. 76.)

Judge Johnston found that the violations Burshia admitted prove serious and warrants revocation of his supervised release and recommends a custodial sentence of 16 months, with no supervised release to follow. (Doc. 80.)

Jarvey was advised of his rights to appeal and allocute to the undersigned and waived those rights. (Doc. 76.)

The violations prove serious and warrants revocation of Burshia's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 80.) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Nicholas Daniel Burshia be sentenced to custody for 16 months, with no supervised release to follow.

DATED this 10th day of December, 2024.

A handwritten signature in blue ink, reading "Brian Morris".

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Brian Morris, Chief District Judge  
United States District Court